

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MIRNA E. SERRANO, *et al.*,

Plaintiffs,

and

Case No. 04-40132

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

HONORABLE SEAN F. COX
United States District Judge

Plaintiff-Intervenor,

v.

CINTAS CORPORATION,

Defendant.

Consolidated for Pre-Trial Proceedings With

BLANCA NELLY AVALOS, *et al.*,

Plaintiffs,

and

Case No. 06-12311

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

HONORABLE SEAN F. COX
United States District Judge

Plaintiff-Intervenor

v.

CINTAS CORPORATION,

Defendant.

/

OPINION & ORDER DENYING AS MOOT THE EEOC'S
MOTION TO CLARIFY SCHEDULING ORDER [Doc. No. 660]

On December 23, 2005, the Equal Employment Opportunity Commission (“EEOC”) filed complaints as an intervening plaintiff in both the *Seranno* and *Avalos* cases, bringing causes of action against Defendant Cintas Corporation (“Cintas”) under Sections 705 and 706 of Title VII to the Civil Rights Act, 42 U.S.C. §§ 2000e-4, e-5. The Court held a scheduling conference in this matter on August 10, 2009, after which a scheduling order was entered by the Court [See Doc. No. 646].

On October 21, 2009, the Equal Employment Opportunity Commission (“EEOC”) filed its “Motion to Clarify Scheduling Order” [Case No. 04-40132, Doc. No. 660], seeking to clarify the scheduling order in light of the EEOC’s intent to pursue this case under the proof framework announced in *International Brotherhood of Teamsters v. United States*, 431 U.S. 324 (1977).

Specifically, the EEOC seeks an order from the Court clarifying the following:

. . . the EEOC respectfully asks that the Court clarify the Scheduling Order to state that (i) this case will be tried pursuant to the *Teamsters* paradigm, (ii) punitive damages will be tried in the first state of the trial, and (iii) discovery pertaining to individual class members will follow the first stage of the trial.

[EEOC’s Motion, Doc. No. 660, p.3].

On February 9, 2010, the Court entered its Opinion & Order Granting Defendant’s Motion for Judgment on the Pleadings [See Case No. 04-40132, Doc. No. 723; Case No. 06-12311, Doc. No. 571], in which the Court held that the EEOC was precluded from advancing its claims against Cintas in the instant action under the *Teamsters* “pattern or practice” framework, but instead must proceed under the burden-shifting framework announced in *McDonnell-Douglas Corp. v. Green*, 422 U.S. 792 (1973). Therefore, the EEOC’s instant “Motion to Clarify Scheduling Order” [Doc. No. 660] is **DENIED AS MOOT**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox
United States District Judge

Dated: February 9, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 9, 2010, by electronic and/or ordinary mail.

s/Jennifer Hernandez

Case Manager